

-
THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE MRS JUSTICE ANIS
WRIT PETITION No.18804 OF 2015

ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

The present Writ Petition is filed challenging the order dated 11.06.2014 in O.A.No.291 of 2011 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal').

2. The petitioner/applicant filed the said Original Application to call for the records pertaining to the proceedings dated 03.09.2010, issued by the fourth respondent vide Rc.No.644/2010-A6, set aside the same and consequently direct the respondents to consider his case for appointment on compassionate grounds as Junior Assistant, or for any other suitable post in the place of his deceased-father in terms of G.O.Ms.No.118, Finance and Planning (FIN.WING.PC.III) Department, dated 18.08.1999.

3. The Tribunal, upon considering the material available on record, dismissed the said Original Application by giving a categorical conclusion that since the applicant's father did not satisfy the condition of putting in continuous service for a required period of five years, as stipulated under G.O.Ms.No.212, F&P Department, dated 22.04.1994, his case does not get any strength from G.O.Ms.No.118, dated 18.08.1999 also. Challenging the same, the present Writ Petition is filed.

4. In the present Writ Petition, it is specifically stated that nowhere in the counter affidavit filed by the Government in the Original Application, discontinuance of service of the applicant's father was narrated and that the petitioner is not in a position to understand how the Tribunal had come to such a conclusion. Since the finding recorded by the Tribunal is not based upon any material available on record, ends of justice would be met if the matter is remanded to the Tribunal for its consideration in accordance with

law.

5. Accordingly, the Writ Petition is allowed. The impugned order is set aside and the matter is remanded to the Tribunal with a request to consider the case of the petitioner in accordance with law, duly taking into consideration the documents and pleadings filed by both the parties, and dispose of the Original Application within a period of six (06) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous Petitions, if any, pending shall stand closed.

K.C.BHANU, J

ANIS, J

10.07.2015
vnb